

UNITED STATES DISTRICT COURT
for the

Western District of North Carolina

United States of America)
v.)
Hiawatha Odom Jr.) Case No: 5:99CR70-1
AKA: Hiawatha Bines Jr.) USM No: 15963-058
Date of Previous Judgment: 2/16/01) James Stephens Weidner Jr.
(Use Date of Last Amended Judgment if Applicable)) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 38 Amended Offense Level: 38
Criminal History Category: VI Criminal History Category: VI
Previous Guideline Range: 360 to 720 months Amended Guideline Range: 360 to 720 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
 The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
 Other (explain): On 2/16/01, the defendant was sentenced to 180 months confinement which was 50% of the low end of the original guideline range for imprisonment. This sentence was imposed after the Court adopted the presentence report which had a base offense level of 38 after finding the defendant was responsible for more than 15 kilograms of cocaine base. Had Amendment 706 (Retroactive Crack Cocaine Reduction) been in place at the time of sentencing, the guideline calculations would not have changed.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 2/16/01 shall remain in effect.

IT IS SO ORDERED.

Order Date: April 17, 2009

Effective Date: _____
(if different from order date)



Richard L. Voorhees
United States District Judge

